

to the widow for the support of the children, but such widow shall not receive more than 40 units per month in any event. If a widow remarry, her benefit shall cease as of the date of the remarriage. *Upon the death of a widow, each surviving child shall receive a pension as provided in the bylaws of the association of not to exceed 40 units.*

Sec. 7. Laws 1953, Chapter 91, Section 15, is amended to read:

Sec. 15. **Limitation.** Subdivision 1. The provisions of this act shall not affect any pensions or other benefits which have been allowed or which are being paid by any existing police pension association under or in accordance with any prior act in effect at the time this act becomes effective. Payment of such pensions and benefits shall be continued by the association in accordance with its articles of incorporation, constitution, and bylaws, subject to all the provisions thereof existing at the time of the passage of this act.

Subd. 2. Any pensioner receiving a pension under any prior act may elect to receive a pension as provided in sections 1 to 14, but in no event shall any such pension *exceed 40 units.*

Subd. 3. *The governing board, in order to protect the funds of the association may adjust pensions within the limitation of sections 1 to 14.*

Sec. 8. **Repealer.** Laws 1953, Chapter 91, Section 11, Subdivision 4, is hereby repealed.

Approved March 18, 1955.

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#### CHAPTER 188—S. F. No. 1012

*An act relating to firemen's relief associations in certain cities of the first class; amending Minnesota Statutes 1953, Sections 69.36, 69.361, 69.40, 69.41, 69.42, 69.44, 69.45, 69.48.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1953, Section 69.36, is amended to read:

69.36 **Tax levy.** The city council or other governing body of each city wherein such a relief association is located shall each year, at the time the tax levies for the support of the city are made, and in addition thereto levy a tax of three-fourths of one mill on all taxable property within said city. In the event the balance in said relief association's special fund,

at the time the levy is made, is less than \$500,000, as determined by said association's board of trustees, then it shall be the duty of said city's governing body to increase the rate of said tax levy herein provided to one mill, and in the event said balance in said fund at said time, in any city in which the charter of such city contains a per capita limitation on expenditures, is less than \$400,000 then it shall be the duty of such city's governing body to increase the rate of said tax levy herein provided to one and one-half mills. The tax so levied shall be transmitted with other tax levies to the auditor of the county in which such city is situated, and by said county shall be collected and payment thereof enforced when and in like manner as state and county taxes are paid.

*The city council or other governing body of any city of the first class, having a population of not less than 75,000 and not more than 150,000, wherein such a relief association is located, and in the charter of such city where is contained a per capita limitation on tax levies, shall each year, at the time the tax levies for the support of the city are made, and in addition thereto, levy a tax of two mills on all taxable property within said city. In the event the balance in said relief association's special fund, at the time the levy is made, is less than \$500,000, as determined by said association's board of trustees, then it shall be the duty of said city's governing body to increase the rate of said tax levy herein provided to two and one-quarter mills.*

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Sec. 2. Minnesota Statutes 1953, Section 69.361, is amended to read:

**69.361 Payroll deductions.** In addition to the moneys in the special and general fund of said association, or provided to be raised therefor under existing laws for the payment of pensions and other benefits, revenues from the following sources shall be paid to said special and general fund:

(1) It shall be the duty of the city clerk, treasurer, or other disbursing officer of such city to deduct each month from the monthly pay of each member of the relief association, a sum equal to two and one half percent of the said monthly pay but not to exceed two and one half percent of the basic monthly pay of a first grade fireman, and pay the same to the treasurer of the relief association for credit to the special fund of said association, *except that in any city now or hereafter having 75,000 inhabitants or more and less than 150,000 inhabitants, the sum herein referred to shall be four percent.*

(2) It shall be the duty of the city clerk, treasurer, or other disbursing officer of such a city to deduct each month

from the monthly pay of each member of the relief association, a sum equal to one half of one percent of the said monthly pay but not to exceed one half of one percent of the basic monthly pay of a first grade fireman, and pay the same to the treasurer of the relief association for credit in the general fund of said association, *except that in any city now or hereafter having 75,000 inhabitants or more and less than 150,000 inhabitants, no deductions will be made or paid for credit in the general fund.*

Sec. 3. Minnesota Statutes 1953, Section 69.40, is amended to read:

**69.40 Payments.** The amounts so paid to a relief association by the state and each city under the provisions of sections 69.25 to 69.53, and by it set aside and deposited as a special fund, shall be appropriated and disbursed by the association for the following purposes:

(1) For the relief of sick, injured and disabled members of the relief association, their widows and orphans; and

(2) For the payment of disability and service pensions to members of the relief association; *and*

(3) *For the expenses of such association as authorized by the board of trustees of any such association of any city now or hereafter having 75,000 inhabitants or more and less than 150,000 inhabitants.*

Sec. 4. Minnesota Statutes 1953, Section 69.41, is amended to read:

**69.41 Sickness, disability; defined.** Each such relief association shall in its bylaws define the sickness and disability entitling its members to relief, specify the amounts thereof and the amounts to be paid to its disability and service pensioners and to widows and children of deceased members, and to fix the age limit of children to whom pensions may be paid. When the total assets of the association shall amount to \$300,000 or more it shall have the right to pay to its members the maximum amounts specified in sections 69.25 to 69.53.

*Each such relief association of any city now or hereafter having 75,000 inhabitants or more and less than 150,000 inhabitants shall in its bylaws define the sickness and disability entitling its members to relief, and specify the amounts thereof, and also specify the amounts to be paid to its disability and service pensioners, and to widows and children of deceased members, and to fix the age limit of children to which pensions may be paid.*

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Sec. 5. Minnesota Statutes 1953, Section 69.42, is amended to read:

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69.42 **Pensions, reduction.** Such firemen's relief association shall at all times have and retain the right to reduce the amount of pensions and benefits paid out of its funds, and to reduce and otherwise adjust the amounts of the pensions and benefits to be thereafter paid out of its funds when its total funds, as determined by its board of trustees, are less than \$300,000; and, within the limits described in sections 69.25 to 69.53, the association shall have and retain the right to increase or otherwise adjust these pensions and benefits after the same have been so reduced.

*Such firemen's relief association of any city now or hereafter having 75,000 inhabitants or more and less than 150,000 inhabitants shall at all times have and retain the right to reduce the amount of pensions and benefits paid out of its funds, and to reduce and otherwise adjust the amounts of said pensions and benefits to be thereafter paid out of its funds. Within the limits of this act described, said associations shall have and retain the right to increase or otherwise adjust said pensions and benefits after same have been so reduced.*

Sec. 6. Minnesota Statutes 1953, Section 69.44, is amended to read:

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69.44 **Payments, amount.** A member of any such relief association is entitled to disability benefits as herein defined, shall receive the same from his association for such periods of time, at such times, and in such amounts, not to exceed \$150 per month, as the bylaws of said association provide.

*A member of any such relief association of any city now or hereafter having 75,000 inhabitants or more and less than 150,000 inhabitants entitled to disability benefits as herein defined, shall receive the same from his association for such periods of time, at such times, and in such amounts, not to exceed 40 units per month, as the bylaws of said association provide.*

Sec. 7. Minnesota Statutes 1953, Section 69.45, is amended to read:

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69.45 **Retirement pay.** A member of such association who has completed a period, or periods of service on the fire department equal to 20 years or more, shall, after he has arrived at the age of 50 years, or more, and has retired from the payroll of the fire department, be entitled to a basic pension of not less than \$85 and not more than \$125 per month for his natural life in conformity to the bylaws of each asso-

cation. Any and all leaves of absence of more than 90 days, except such as are granted to a member because of his disability due to sickness or accident, shall be excluded in computing said period of service; and all periods of time during which a member received a disability pension shall be excluded in such computation. No deduction shall be made for a leave of absence granted to a member to enable him to accept an appointive position in said fire department. No member shall be entitled to draw both a disability and a service pension.

Such monthly basic payments may be increased by adding to said basic pension the sum of \$3.85 per month, or any portion thereof, for each year of active duty over 20 and not more than 35 years.

The bylaws of each association may provide for these increases, or any portion thereof; provided, that in no event the total pension exceed the sum of \$150 per month.

*A member as of the effective date of the passage of this act of such association of any city now or hereafter having 75,000 inhabitants or more and less than 150,000 inhabitants who has completed a period, or periods, of service on the fire department equal to 20 years or more, shall, after he has arrived at the age of 50 years, or more, and has retired from the payroll of the fire department, be entitled to a basic pension of not less than 20 units and not more than 31 units per month for his natural life in conformity to the bylaws of each association. Any pensioner receiving a pension under any prior act, shall receive a pension as provided in this act, but in no event shall such pension be greater than 40 units. Any and all leaves of absence of more than 90 days, except such as are granted to a member because of his disability due to sickness or accident, shall be excluded in computing said period of service; and all periods of time during which a member received a disability pension shall be excluded from such computation. No deductions shall be made for a leave of absence granted to a member to enable him to accept an appointive position in said fire department. No member shall be entitled to draw both a disability and a service pension. Any member becoming a member of such association after the effective date of the passage of this act who has completed a period or periods of service with the fire department equal to 20 years or more, shall after he has arrived at the age of 50 years or more and has retired from the payroll of the fire department, be entitled to a basic pension of not less than 20 units and not more than 30 units per month for his natural life in conformity with the bylaws of such association.*

*Such monthly basic payments may be increased by adding*

to said basic pension the sum of 1 unit, or any portion thereof, per month for each year of active duty over 20.

The bylaws of each association may provide for these increases or any portion thereof, provided that in no event the total pension exceed the sum of 40 units per month.

A unit as referred to in this act shall be one-eightieth of maximum monthly salary of a first grade firefighter on January 1st of the current calendar year in which the pensions provided for in this act are paid.

Sec. 8. Minnesota Statutes 1953, Section 69.48, is amended to read:

69.48 **Widows, children; pensions.** When a service pensioner, disability pensioner, or deferred pensioner, or an active member of a relief association, dies, leaving

(1) A widow who was his legally married wife, residing with him, and who was married to him while or prior to the time he was on the payroll of the fire department; and who, in case the deceased member was a service or deferred pensioner, was legally married to the member at least three years before his retirement from the fire department; or

(2) A child or children who were living while the deceased was on the payroll of the fire department, or born within nine months after the decedent was withdrawn from the payroll of the fire department, the widow and the child or children shall be entitled to a pension or pensions, as follows:

(a) To the widow, a pension of not less than \$50, and not to exceed the sum of \$75, per month, as the bylaws of the association provide, for her natural life; provided, that if she shall remarry then the pension shall cease and terminate as of the date of her remarriage;

(b) To the child or children, if their mother be living, a pension of not to exceed \$25 per month for each child up to the time each child reaches the age of not less than 16 years and not to exceed an age of 18 years, in conformity with the bylaws of the association; provided, the total pensions hereunder for the widow and children of the deceased member shall not exceed the sum of \$150 per month;

(c) A child or children of a deceased member receiving a pension or pensions hereunder shall, after the death of their mother, be entitled to receive a pension or pensions in such amount as the board of trustees of the association shall deem necessary to properly support the child or children until they reach the age of not less than 16 and not more than 18 years, as the bylaws of the association may provide; but the

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total amount of the pension or pensions hereunder for any child or children shall not exceed the sum of \$150 per month.

*When a service pensioner thereof, disability pensioner thereof, deferred pensioner thereof, or an active member of a relief association of any city now or hereafter having 75,000 inhabitants or more and less than 150,000 inhabitants dies, leaving*

(a) *A widow who was his legally married wife, residing with him, and who was married to him while or prior to the time he was on the payroll of the fire department; and who, in case the deceased member was a service or deferred pensioner was legally married to said member at least three years before his retirement from said fire department; or*

(b) *A child or children who were living while the deceased was on the payroll of the fire department, or who were born within nine months after said decedent was withdrawn from the payroll of said fire department, such widow and said child or children shall be entitled to a pension or pensions as follows:*

(1) *To such a widow a pension of not less than 15 units and not to exceed the sum of 20 units per month, as the bylaws of said association provide, for her natural life; provided, however, that if she shall remarry, then such pension shall cease and terminate as of the date of her said remarriage.*

(2) *To such child or children, if their mother be living, a pension of not to exceed 8 units per month for each child up to the time each child reaches the age of not less than 16 years and not to exceed an age of 18 years, in conformity with the bylaws of each association. Provided, the total pensions hereunder for the widow and/or children of said deceased member shall not exceed the sum of 40 units per month.*

(3) *A child or children of a deceased member receiving a pension or pensions hereunder shall after the death of their mother, be entitled to receive a pension or pensions in such amount or amounts as the board of trustees of such association shall deem necessary to properly support such child or children until they reach the age of not less than 16 and not more than 18 years, as the bylaws of such association may provide; but the total amount of such pension or pensions hereunder for any such child or children shall not exceed the sum of 40 units per month.*

Sec. 9. *This act becomes effective July 1, 1955.*

Approved March 18, 1955.